

### REMARKS

This paper is being provided in response to the Office Action dated January 18, 2008, for the above-referenced application. In this response, Applicants have cancelled claim 1, amended claims 2, 5, 7, 9 and 10 and added new claims 14-35 to clarify that which Applicants consider to be the presently-claimed invention. Applicants respectfully submit that the amendments to the claims and the new claims are fully supported by the originally-filed specification.

The rejection of claims 1-7 and 10-12 under 35 U.S.C. 102(b) as being anticipated by EP Patent 1,176,840 to De Vries (hereinafter "De Vries") and the rejection of claim 8 under 35 U.S.C. 103(a) as being unpatentable over De Vries and further in view of U.S. Patent No. 6,658,095 to Yoakum, et al. have both been made moot by amendments herein where claim 1 has been cancelled, claim 9 (which is not subject to either rejection) has been rewritten in independent form, and claims 2-8 have been made to depend, directly or indirectly, from claim 9. In addition, independent claim 10 has been amended herein to include the features of claim 9 and claims 11 and 12 depend from claim 10. Accordingly, Applicants respectfully request that these rejections be withdrawn.

The rejection of claim 9 under 35 U.S.C. 103(a) as being unpatentable over De Vries and further in view of U.S. Patent Applicant Publication No. 2004/0170263 to Michael, et al. (hereinafter "Michael") is hereby traversed and reconsideration is respectfully requested.

Claim 9, as amended herein, recites a server apparatus in a presence display system. The server apparatus includes a client apparatus for each user, constituted to allow the client apparatus to display the states of other users. The server apparatus includes means for holding

information indicating the states of each user and location information that are transmitted by each of the client apparatuses, means for storing a buddy list that registers other users whose states the user wishes to watch, for each user, means for transmitting, to each user, information indicating the states of other users registered in the buddy list and information relating to the distance between the user and the other users, and means for creating a list of other users that are watching the state of the user and transmitting the list to the user in accordance with a request from the user. Claims 2-8 depend, directly or indirectly, from claim 9.

Michael discloses a telecommunications system that includes a telephone routing system and a presence database manager unit coupled to the routing system and adapted to maintain one or more watcher lists of registered users. The routing system is adapted to receive phone calls and provide an indication to the presence database manager unit whether the phone calls originate from registered users. The presence database manager unit is adapted to determine if such a user has a watcher list and transmit an indication to parties associated with the watcher list that said user is present. Paragraph 21 of Michael describes this in more detail as follows:

Operation of the embodiment of FIG. 1 is shown with reference to the flowchart of FIG. 2. At step 202, the presence server unit 1104 (FIG. 1) becomes activated. At step 204, the presence server unit 1104 receives watcher lists of registered, logged in users, and monitors the status of listed parties. For example, in FIG. 1, users Alpha, Charlie, Echo, Foxtrot, and Zulu are logged in and online. At step 206, a user who is not logged in the presence system nevertheless makes use of a monitored system. Thus, for example, user Juliet makes a phone call. The call is received at the routing system 1116 (FIG. 1). The routing system 1116 identifies the calling party and provides this information to the dynamic presence proxy 1114, which updates the logged in parties' presence, at step 208. In particular, the dynamic presence proxy 1114 communicates with the presence server unit 1104 with the identity of the calling party. The system determines that the calling party, Juliet, is a registered user but is not logged in to the presence system. The presence server unit 1104 updates the presence information to

indicate that Juliet is on the phone, and then sends out the presence update to the logged in watching parties that are monitoring Juliet's presence. It is noted that in certain embodiments, the users can specify which watchers are authorized to receive their presence information. Thus, a check of authorization information may occur prior such to distribution of a presence update.

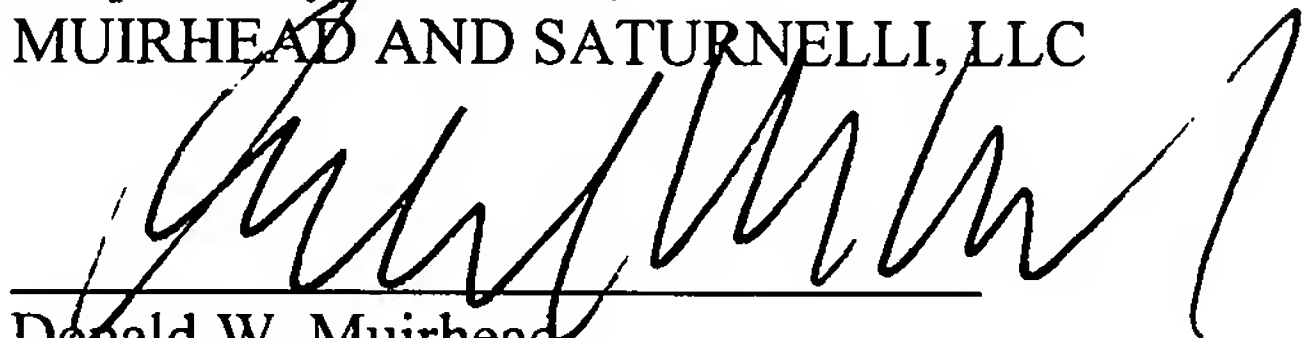
Thus, Michael discloses that the watcher list is provided on the presence server (1104) and that it is the presence server (1104) that performs a "check of authorization information" prior to distributing a presence information about a user. Accordingly, Michael, alone or in combination with any of the other cited references, does not show, teach, or suggest the recited feature of transmitting the watcher list to the user in accordance with a request from the user. Instead, in Michael, the watcher list is maintained by the presence server (1104), which conditionally passes on to users the presence information about other users, not the watcher list as recited in applicants' present independent claims. Accordingly, Applicants respectfully request that the rejection be reconsidered and withdrawn.

Further, Applicants have added new claims 13-35 and, in accordance with the remarks set forth above, submit that these claims are in condition for allowance.

Based on the above, Applicants respectfully request that the Examiner reconsider and withdraw all outstanding rejections and objections. Favorable consideration and allowance are earnestly solicited. Should there be any questions after reviewing this paper, the Examiner is invited to contact the undersigned at 508-898-8603.

Respectfully submitted,  
MUIRHEAD AND SATURNELLI, LLC

Date: June 18, 2008

  
\_\_\_\_\_  
Donald W. Muirhead  
Registration No. 33,978

Muirhead and Saturnelli, LLC  
200 Friberg Parkway, Suite 1001  
Westborough, MA 01581  
Phone: (508) 898-8601  
Fax: (508) 898-8602